



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,501	03/16/2001	Giles Henry Rodway	RK590-US1	3959

7590 03/11/2004  
Marguerite E Gerstner  
Raychem Corporation  
300 Constitution Drive  
MS 120 6600  
Menlo Park, CA 94025-1164

EXAMINER
----------

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
----------	--------------

1773

DATE MAILED: 03/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Advisory Action</b>	<b>Application No.</b> 09/787,501	<b>Applicant(s)</b> RODWAY, GILES HENRY	
	<b>Examiner</b> Kevin R Kruer	<b>Art Unit</b> 1773	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 20 February 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: see attached.

3. ☒ Applicant's reply has overcome the following rejection(s): see attached.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 28-56.

Claim(s) withdrawn from consideration: NONE.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_

### **ADVISORY ACTION**

Applicant's arguments filed February 20, 2004 have been fully considered, but are not persuasive. Furthermore, Applicant's proposed amendment will not be entered because they would require further search and/or consideration. Specifically, the proposed amendment significantly broadens the scope of the claims to allow for the first and second layers to contain additional components. The broadening of the claims would necessitate further search and/or consideration. Furthermore, the proposed amendment will not be entered because it is not deemed to place the application in better condition for appeal by materially reducing and/or simplifying the issues for appeal.

Applicant argues that the amendments and arguments set forth in the reply filed February 20, 2004 are believed to clearly overcome all outstanding rejections and objections. However, Applicant's amendments have not been entered. Therefore, the claims remain rejected for the reasons stated in the Final Office Action mailed October 20, 2003 with the exception of the differences noted herein.

Applicant's arguments set forth in paragraphs A, B, D, E, F, and I-K are not persuasive. Applicant's arguments are predicated on the assumption that the proposed amendment would be entered. The amendments have not been entered for the reasons stated above. Therefore, Applicant's arguments are moot.

Applicant's arguments in paragraph C are sufficient for overcoming the 35 U.S.C. 112, first paragraph rejection of claims 28-56 because the original disclosure did not

Art Unit: 1773

have support for "metallic conductor." "Metallic conductor" is supported on page 9 of the specification.

Applicant's arguments in paragraph G are sufficient for overcoming the 35 U.S.C. 112, first paragraph rejection of claims 28-56 because the original disclosure did not have support for "bringing the respective layers into contact with each other at a temperature above the melting or softening point of the polymeric material of at least one layer." Said limitation is supported in original claim 8.

Applicant's arguments in paragraph H are sufficient for overcoming the rejection of claim 54 under 35 U.S.C. 112 first paragraph.

According to Applicant, the requested amendments are properly made at this stage in prosecution since they are made in order to meet the objection and rejections made by the examiner or relate to simple corrections or changes which do not raise any new issues for consideration and/or place the application in better condition for any appeal that may be necessary. The examiner respectfully disagrees with applicant's conclusions for the reasons noted above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Thibodeau can be reached on 571-272-1516. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1773

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer  
Patent Examiner-AU 1773



Paul Thibodeau  
Supervisory Patent Examiner  
Technology Center 1700